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Security Council

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Letter dated 22 January 2008 from the Secretary-General to the President of the Security Council

I attach for your attention a letter dated 14 January 2008 from Judge Fausto Pocar, President of the International Tribunal for the Former Yugoslavia (see annex). President Pocar refers to his earlier letter of 12 December 2007, which was circulated to the members of the Security Council under cover of my letter of 31 December 2007 (S/2007/788).

President Pocar asks that the Security Council authorize the appointment of additional ad litem judges as requested in his letter of 12 December 2007, but not limited to the specific cases identified, and without specifying a strict time limit by which the number of ad litem judges must return to the maximum of 12 set out in article 12 (1) of the statute of the International Tribunal. President Pocar's office has contacted the Office of Legal Affairs to indicate that he would be willing to come to New York to assist the members of the Security Council with further information in this matter if that were considered helpful.

I would be grateful if you could draw the letter of President Pocar to the attention of the members of the Security Council. As President Pocar indicates that the authorization he requests is necessary for him to be able to pursue the completion strategy of the International Tribunal effectively, I would be grateful if the Security Council could take this matter up at the earliest opportunity.

(*Signed*) **Ban** Ki-moon

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Annex

Letter dated 14 January 2008 from the President of the International Tribunal for the Former Yugoslavia to the Secretary-General

I refer to my letter of 12 December 2007, which was circulated to members of the Security Council under cover of your letter to the President of the Security Council dated 31 December 2007 (S/2007/788). In that letter I had the honour of referring to the 116th plenary meeting of the fifty-ninth session of the General Assembly, on 24 August 2005, during which 27 ad litem judges of the International Tribunal for the Former Yugoslavia were elected for a term of four years. Pursuant to Security Council resolution 1329 (2000), I requested the appointment of two ad litem judges to enable the Tribunal to start conducting a new and eighth trial in February 2008 in case No. IT-03-69-T, *Prosecutor v. Stanisić and Simatović*. I further advised that I would request the appointment of two new ad litem judges in order to start trial in the case No. IT-06-90-T, *Prosecutor v. Gotovina et al.*, following the close of the trial in *Prosecutor v. Haradinaj et al.*, foreseen for the end of February 2008.

In advising of these forthcoming appointments, which are necessary to achieve our objectives within the completion strategy and to ensure the right to a fair and expeditious trial, I noted that these requests would amount to a temporary increase of the number of ad litem judges from the maximum of 12 at any one time, as established by article 12 (1) of the statute of the International Tribunal. I further advised that, should you be willing to seek an authorization from the Security Council for the assignment of these additional ad litem judges, the number of ad litem judges would most likely return to the statutory maximum of 12 by September 2008, when the close of the Tribunal's first multi-accused case is scheduled.

I am grateful to you for drawing this matter to the attention of the members of the Security Council and understand that they will shortly begin consideration of a draft resolution to permit a temporary deviation from the statutory limit of 12 ad litem judges to allow the Tribunal to commence additional trials.

As you will recall, in explaining the necessity of assigning additional ad litem judges in my letter of 12 December 2007, I was specific in identifying the details regarding which trials were anticipated to be ready to commence. However, in order to pursue the International Tribunal's completion strategy effectively, I will need a degree of flexibility in the appointment of ad litem judges to the Chambers, in relation to times and cases. I would be grateful if any resolution to be considered by the Security Council could be presented in terms which are not limited to the specific cases and dates identified in my letter of 12 December 2007, and which do not specify a strict time limit by which the number of ad litem judges would return to the statutory maximum of 12. This will avoid the situation of not being able to assign the additional ad litem judges to another case should the currently anticipated cases be delayed because of unforeseen circumstances.

(*Signed*) Fausto **Pocar**
President